



California Fair Political Practices Commission

March 23, 1989

Bob Connelly
Chief Administrative Officer
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-107

Dear Mr. Connelly:

This is in response to your request for written advice regarding interpretation of the new mass mailing restrictions amended into the Political Reform Act (the "Act")^{1/} through Proposition 73.

QUESTION

Are the three sets of letters submitted by Assemblymember Isenberg to the Assembly Rules Committee for approval substantially similar for purposes of the mass mailing limitations of the Act?

CONCLUSION

Each set of letters has the same or similar language, conveys a similar essential message, and has the same fundamental purpose. The changes in the letters are for the purpose of personalizing them based on the characteristics of the persons to whom they are sent. Thus, the letters in each set are substantially similar, and must comply with the 200 per-calendar-month limitation in the Act.

FACTS

The Assembly Rules Committee has the responsibility of approving mass mailings sent out at public expense by members of the Assembly. Assemblymember Isenberg has submitted to the

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Bob Connelly
March 23, 1989
Page 2

Assembly Rules Committee for approval three sets of letters to be mailed to his constituents:

1. Three separate letters announcing his introduction of AB 60, which seeks to address the problem of health coverage for Californians.
2. Three separate letters indicating support for AB 357, which would ban the sale, manufacture and possession of military assault weapons.
3. Two separate letters of support for SB 300, which allows for the imposition of user fees to raise revenues for highway construction.

You are seeking advice from the Commission regarding application of the mass mailing restrictions on the mailings submitted to the Rules Committee by Assemblymember Isenberg.

ANALYSIS

Section 89001 provides that no newsletter or mass mailing shall be sent at public expense. "Mass mailing" is more than two hundred substantially similar pieces of mail sent in a calendar month. (Section 82041.5 and Regulation 18901(d), copy enclosed.)

Regulation 18901(i) provides:

(1) Pieces of mail are "substantially similar" if their text is substantially the same, with only minor changes or alterations for the purpose of personalizing the piece of mail.

(2) Form letters, or newsletters in which only the addressee information is changed, are "substantially similar."

* * *

Assemblymember Isenberg's letters do not constitute form letters in which only the addressee information has been changed. Thus, in order to determine whether the letters prepared by Assemblymember Isenberg are substantially similar we must look to the text of the documents and the purpose for any changes or alterations in the language used. Where the text is substantially the same, and any changes are simply for the purpose of personalizing the mail, the mailings are substantially similar.

The terms "substantially the same" or "substantially similar" are not otherwise defined in the Act nor in its regulations. It

Bob Connelly
March 23, 1989
Page 3

is necessary, therefore, to look to common understanding of the term "substantially similar" for guidance in providing advice to you.

The definition for the word "substantially" provided in Black's Law Dictionary includes "essentially; in substance; materially." "Similar" is defined to include "general likeness; resembling in many respects." Funk and Wagnalls Standard College Dictionary parallels the definitions of Black's by defining "substantial" to mean "containing or conforming to the essence of a thing; giving the correct idea; fundamental." "Similar" is defined to mean "bearing resemblance; of like characteristics, nature or degree; of the same scope, order or purpose."

Consequently, we advise that the texts of mailings are substantially similar where the substance of the letters has a general likeness or resemblance, or the same fundamental essence or purpose.

The second element of Regulation 18901(i) is whether the changes in the mailing are for the purpose of personalizing the piece of mail. Once again, it is necessary to look to common usage of the term "personalize" for guidance in applying the regulation.

Typically, to personalize means to apply to a single individual. However, Regulation 18901(i)(2) specifically addresses form letters in which only the addressee information is changed. The limitations of subdivision (i)(1), therefore, must have a different intent. Funk and Wagnalls' definition of "personalize" is of some assistance. "Personalize" means to make personal. In turn, the definition of "personal" includes "[r]elating to, having the qualities of, or constituting a person or persons."

Applying these standards to the letters by Assemblymember Isenberg we conclude that the three letters announcing introduction of AB 60 are substantially similar. Each letter includes the same or similar language, conveys a similar essential message, and has the same fundamental purpose. Any changes in the letter are for the purpose of personalizing them based on the characteristics of the persons to whom they are sent. This is true, as well, for the three letters in support of AB 357, and the two letters in support of SB 300.

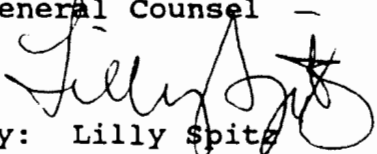
We advise, therefore, that the mailing of the three sets of letters be limited to no more than 200 per calendar month in order to comply with the restrictions of the Act.

Bob Connelly
March 23, 1989
Page 4

If you have any additional questions, or would like clarification, please contact me at 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel -


By: Lilly Spitz
Counsel, Legal Division

DMG:LS:plh

Enclosure

MEMBERS

BILL FILANTE,
Vice Chair
JACK O'CONNELL
Majority Vice Chair

CHIEF ADMINISTRATIVE OFFICER
BOB CONNELLY

EXECUTIVE SECRETARY
TERRIE F. WILFONG

California Legislature

Assembly Rules Committee

LUCY KILLEA
RICHARD MOUNTJOY
PAT NOLAN
RICHARD POLANCO
JACKIE SPEIER
CATHIE WRIGHT

ROOM 3016 — STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CALIFORNIA 94249-0001
TELEPHONE: (916) 445-8173

TOM BANE
CHAIRMAN

February 13, 1989

Diane Griffiths
General Counsel
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, California 95814

Dear Ms. Griffiths:

Enclosed you will find letters submitted to Assembly Rules Committee by Assemblyman Phil Isenberg for approval to be mailed to his constituents. I am forwarding them to you for your review on the issue of whether they constitute "substantially similar" pieces of mail under the mass mailing prohibitions of Proposition 73.

There are three sets of potentially substantially similar letters on three separate subjects (health coverage, assault weapons, transportation).

Before we approve these letters, I would appreciate a written response giving your advise on the issue of whether they are prohibited by the substantially similar provisions of Proposition 73.

Sincerely,



BOB CONNELLY
Chief Administrative Officer

BC:tfw

FILED
FEB 15 1989
FBI - SACRAMENTO



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Elizabeth Walsh
PO BOX 163184
Sacramento, CA 95816

Dear Elizabeth Walsh:

Today California faces a crisis in ensuring health care for all of it's citizens. More than five million Californians do not have health insurance because either coverage is not offered through private employment or people have been turned down by private insurance carriers because of previous medical problems.

I have introduced legislation - AB 60 - to address the problem of health coverage for all Californians. My legislation will create a state backed, non-profit insurance pool to sell catastrophic health insurance to people who can not otherwise obtain health coverage.

I expect the first hearing on this bill to be held in February of 1989 and hope that it receives a favorable response from the Assembly Health committee.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Thelma Bass
1501 15th Street #8
Sacramento, CA 95814

Dear Mrs. Bass:

Today California faces a crisis in ensuring health care for all of it's citizens. More than five million Californians do not have health insurance because either coverage is not offered through private employment or people have been turned down by private insurance carriers because of previous medical problems.

I have introduce AB 60 which would provide a state backed, nonprofit health insurance pool for Californians that would not be able to obtain health insurance. I believe that this is the most important step to improve health care in California.

I expect the first hearing on this bill to be held in February of 1989 and hope that it receives a favorable response from the Assembly Health committee.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Robert Bicker
1501 15th Street #7
Sacramento, CA 95814

Dear Mr. Bicker:

Today California faces a crisis in ensuring health care for all of it's citizens. More than five million Californians do not have health insurance because either coverage is not offered through private employment or people have been turned down by private insurance carriers because of previous medical problems.

I have introduced legislation - AB 60 - to address the problem of health coverage for all Californians. My legislation will create a state backed, non-profit insurance pool to sell catastrophic health insurance to people who can not otherwise obtain health coverage.

Last year in response to the severe health insurance problems I introduced and successfully won approval in the Assembly for AB 600 which unfortunately was stalled in the Senate finance and Insurance committee. I believe the time is ripe for successful passage of my health insurance bill.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

ASSISTANT SPEAKER PRO TEM

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Raymond Ward
1501 15th Street #5
Sacramento, CA 95814

Dear Mr. Ward:

With the recent shooting in Stockton, California and the increase violence in gang activity, its time that the Legislature provide leadership and get semi-automatic weapons off our streets.

Innocent victims are becoming the targets of gang shooting and mentally ill people. The attack at the Stockton elementary school took the lives of five innocent elementary school children.

I am strongly supporting AB 357 which would ban the sale, manufacture and possession of military assault weapons. Also, this legislation would add five years to the prison sentence of anyone using an assault weapon in the commission of a felony.

I intend to focus on this issue this year, making it one of my highest priorities.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Dolores Barron
1501 15th Street #22
Sacramento, CA 95814

Dear Ms. Barron:

It is a tragedy that today many people feel the streets are unsafe with the amount of semi-automatic weapons that are in the hands of gang members and mentally ill individuals.

I am strongly supporting AB 357 which would ban the sale, manufacture and possession of military assault weapons. Also, this legislation would add five years to the prison sentence of anyone using an assault weapon in the commission of a felony.

I intend to focus on this issue this year, making it one of my highest priorities.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

ASSISTANT SPEAKER PRO TEM

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Marc Dyson
1501 15th Street #22
Sacramento, CA 95814

Dear Mr. Dyson:

Today many parents are struck with the thought that their children might become another victim of gang violence which is increasing in California. The amount of guns on the streets is alarming.

Innocent children, in many cases, have often been hit by the spray of bullets released by semi-automatic gunfire.

I am strongly supporting AB 357 which would ban the sale, manufacture and possession of military assault weapons. Also, this legislation would add five years to the prison sentence of anyone using an assault weapon in the commission of a felony.

I intend to focus on this issue this year, making it one of my highest priorities.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Ora Diver
1501 15th Street #11
Sacramento, CA 95814

Dear Ora Diver:

You may have noticed that it takes longer each year to make your commute. Our highways are ever more crowded and each year the conditions of our roads deteriorates.

New highway construction is not keeping up with the need of an expanding and vibrant society. We desperately need new funding to make our roads worthy of our growth and vitality.

I am strongly supporting SB 300 which utilize the decade old tradition of charging a user fee commensurate with user benefits -- no bonds and no gimmicks.

Sincerely,

PLI/ma



Phillip Isenberg

ASSEMBLYMAN, TENTH DISTRICT

ASSISTANT SPEAKER PRO TEM

CALIFORNIA LEGISLATURE, STATE CAPITOL, SACRAMENTO, CA 95814 (916) 445-1611

COMMITTEES:

HEALTH
JUDICIARY
RULES
WATER, PARKS & WILDLIFE
WAYS & MEANS

February 15, 1989

Anton Bertsch
1501 15th Street #15
Sacramento, CA 95814

Dear Mr. Bertsch:

You may have noticed that it takes longer each year to make your commute. Our highways are ever more crowded and each year the conditions of our roads deteriorates.

New highway construction is not keeping up with the need of an expanding and vibrant society. We desperately need new funding to make our roads worthy of our growth and vitality.

Were you aware that California has not built any major new highways since 1983 and that our maintenance backlog is rated at \$83 billion dollars. California is spending less per capita than North Dakota for new roads. At the rate we are going, California will soon rank 50th among the states in highway maintenance.

I am strongly supporting SB 300 which utilize the decade old tradition of charging a user fee commensurate with user benefits -- no bonds and no gimmicks. This user fee would raise more than 2 billion dollars for operational improvements that would improve traffic flow on our highways and local roads.

Sincerely,

PLI/ma



California Fair Political Practices Commission

February 21, 1989

Bob Connelly
Chief Administrative Officer
Assembly Rules Committee
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Letter No. 89-107

Dear Mr. Connelly:

Your letter requesting advice under the Political Reform Act was received on February 16, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329.)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, which appears to read "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh